

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FLETCHER JENKINS, JR.,  
TIMOTHY JENKINS, and  
PAMELA LEWIS,

Plaintiffs,

vs.

Case No. 05-CV-72307  
HON. GEORGE CARAM STEEH

CITY OF DETROIT,  
a municipal corporation,  
ANT JUAN SIMPKINS, ANTONIO BOARWRIGHT,  
HERBERT BROWN, and CRAIG STEWART,

Defendants.

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ORDER GRANTING, IN PART, PLAINTIFFS' MOTION (#5) FOR  
LIMITED DISCOVERY PRIOR TO RULE 26 (f) CONFERENCE,  
AND DENYING, IN PART, PLAINTIFFS' REQUEST THAT  
CITY OF DETROIT BE COMPELLED TO IMMEDIATELY RESPOND TO  
INTERROGATORIES

Plaintiffs filed a Complaint on June 10, 2005, and a First Amended Complaint on June 27, 2005<sup>1</sup>, alleging civil rights claims under 42 U.S.C. § 1983 against defendant City of Detroit, and Detroit Police Officers Simpkins, Boarwright, and Brown, for allegedly using unreasonable and excessive force against the plaintiffs on June 14, 2002 and causing various personal injuries. On July 7, 2005, plaintiffs moved for an order allowing immediate and limited discovery directed at defendant City of Detroit, in the form of interrogatories, to identify the current addresses/locations of defendants Simpkins and Brown, whom plaintiffs assert are no longer employed by the Detroit Police Department. Pursuant to Federal Rule

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<sup>1</sup> The First Amended Complaint simply corrected the misnomer of defendant Antonio Boatwright to correctly read Antonio Boarwright.

of Civil Procedure 26(f), the court is authorized to order such relief.

The court is persuaded that plaintiffs should be permitted to proceed with their requested limited discovery requests as to the whereabouts of Simpkins and Brown, by serving defendant City of Detroit with appropriate interrogatories prior to the Rule 26(f) conference. The court is not persuaded, however, that plaintiffs are entitled to an additional order requiring the interrogatories to be answered "immediately" by the City of Detroit. City of Detroit may respond to the interrogatories in a time and fashion authorized by the Eastern District of Michigan Local Court Rules, and/or the Federal Rules of Civil Procedure. Accordingly,

Plaintiffs' motion to proceed with limited discovery prior to the Rule 26(f) conference is hereby GRANTED, IN PART, to the extent that plaintiffs may immediately serve interrogatories on defendant City of Detroit for the purpose of learning the current addresses/locations of defendants Simpkins and Brown. The remainder of plaintiff's motion, including an order that defendant City of Detroit "immediately" respond to the interrogatories, is hereby DENIED.

SO ORDERED.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: July 13, 2005

#### CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on July 13, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Secretary/Deputy Clerk